

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR
March 3, 2023 11:42 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: سـ / 3-3

UNITED STATES OF AMERICA, *ex rel.*
MACKINAC CENTER FOR PUBLIC
POLICY,

Plaintiff,

v.

MICHIGAN EDUCATION
ASSOCIATION, et al.,

Defendants.

Case No. 1:22-cv-00028

Hon. Hala Y. Jarbou
Chief United States District Judge

**FILED *EX PARTE* AND
UNDER SEAL**

**THE UNITED STATES OF AMERICA'S NOTICE OF
ELECTION TO INTERVENE FOR PURPOSES OF SETTLEMENT**

Pursuant to the False Claims Act ("FCA"), 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes in this action for purposes of settlement. On March 1, 2023, the parties executed civil settlement agreements to resolve this *qui tam* action under the FCA. Under the terms of the settlement agreements, the United States and Relator will file a joint stipulation dismissing this case upon the Government's receipt of settlement payments that are due fourteen days from execution of the settlement agreements.

The United States respectfully requests that under 31 U.S.C. § 3730(b), the Court lift the seal as to Relator's complaint and as to all other contents of the Court file except for the following four *in camera* submissions supporting the United

States' requests for extensions of the intervention deadline and partial lifting of the seal:

- Memorandum of Law in Support of the United States of America's *Ex Parte* Application for a One-Hundred-and-Eighty-Day Extension of Time To Consider Election To Intervene (June 1, 2022)¹;
- Memorandum of Law in Support of the United States of America's *Ex Parte* Application for Partial Lifting of the Seal (June 8, 2022);
- Memorandum of Law in Support of the United States of America's *Ex Parte* Application for an Additional Forty-Five-Day Extension of Time To Consider Election To Intervene (November 30, 2022); and
- Memorandum of Law in Support of the United States of America's *Ex Parte* Application for an Additional Ninety-Day Extension of Time To Consider Election To Intervene (January 12, 2023).

In discussing the content and extent of the United States' non-public investigation, including its methods and thought processes for assessing and investigating Relator's allegations, the submissions identified above were provided under 31 U.S.C. § 3730(b)(3) to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. *See id.* §§ 3730(b)(2)-(3) (providing only for unsealing of the *in camera* complaint).

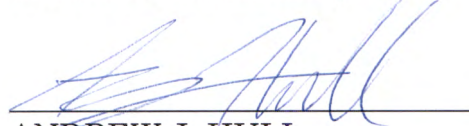
A proposed order accompanies this notice.

¹ Because the United States does not have access to the electronic docket in sealed cases, it cannot cite these pleadings in accordance with Administrative Order 16-MS-017.

Dated: March 3, 2023

Respectfully submitted,

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United States Attorney



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